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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,185	07/22/2003	Philip James Rae	020569-00700	6857

7590 07/01/2005

John Wilson Jones
Attn: IP Docketing Clerk
Locke, Liddell & Sapp LLP
600 Travis, Suite 3400
Houston, TX 77002

EXAMINER

WALKER, ZAKIYA NICOLE

ART UNIT PAPER NUMBER

3676

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,185

Applicant(s)

RAE ET AL.

Examiner

Zakiya N. Walker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-12, 16, 17, 20-26, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 13-15, 18, 19 and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07222003, 11122004</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8, 10, 12, 16, 17, and 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Shuchart et al. (cited by applicant).

Shuchart et al. discloses a method that includes a process for dissolving acid-soluble siliceous material in a sandstone formation of an oil or gas well that comprises:

(a) introducing into the well a buffered acid solution containing an organic acid (citric), the buffered acid solution being void of hydrofluoric acid or a hydrofluoric acid precursor; and (b) introducing into the well an HF-containing sandstone acidizing solution wherein the pH of the buffered acid solution has pH substantially equivalent to that of the acidizing solution. With respect to depending claims 2-4, 8, 10, and 12, the reference teaches the limitations as claimed, including the buffered solution contains HCL (pre-flush and overflush), buffered solution does not contain inorganic acids, and the buffered solution comprises organic acid and salt. With respect to claim 16, the reference discloses a process for dissolving acid soluble siliceous material in a well

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which comprises: (a) introducing into the well a HF containing acidizing solution having a pH of between from about 1.9 to about 4.5; and (b) prior to and/or subsequent to step (a) introducing into the well a buffered acid solution, void of hydrofluoric acid, having a pH of from about 1.9 to about 4.5. With respect to depending claim 17, the reference teaches the two solutions having a substantially equivalent pH. With respect to claim 20, the reference discloses a process for removing carbonate materials or scale deposition from a subterranean formation of an oil or gas well which comprises introducing into the well a buffered acid solution containing an organic acid and void of hydrofluoric acid or a hydrofluoric acid precursor wherein the pH of the buffered acid solution is generally between from about 1.9 to about 4.8. With respect to depending claims 21-26, the reference e teaches the limitations as claimed including a sandstone formation, a carbonate formation, the buffered solution contains HCL (pre-flush and overflush), buffered solution does not contain inorganic acids, and the buffered solution comprises organic acid and salt.

3. Claims 1-4, 6-8, 10-12, 16, 17, 20-26, 28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Lybarger et al.

Lybarger et al. discloses a method that includes a process for dissolving acid-soluble siliceous material in a sandstone formation of an oil or gas well that comprises: (a) introducing into the well a buffered acid solution containing an organic acid (formic), the buffered acid solution being void of hydrofluoric acid or a hydrofluoric acid precursor; and (b) introducing into the well an HF-containing sandstone acidizing solution (slug 9) wherein the pH of the buffered acid solution has pH substantially

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equivalent to that of the acidizing solution. With respect to depending claims 2-4, 6-8, and 10-12, the reference teaches the limitations as claimed, including the buffered solution contains HCL, buffered solution does not contain inorganic acids, the buffered solution consists essentially of/comprises organic acid and salt (slug 11), and the organic salt is an ammonium salt of acid. With respect to claim 16, the reference discloses a process for dissolving acid soluble siliceous material in a well which comprises: (a) introducing into the well a HF containing acidizing solution having a pH of between from about 1.9 to about 4.5; and (b) prior to and/or subsequent to step (a) introducing into the well a buffered acid solution, void of hydrofluoric acid, having a pH of from about 1.9 to about 4.5. With respect to depending claim 17, the reference teaches the two solutions having a substantially equivalent pH. With respect to claim 20, the reference discloses a process for removing carbonate materials or scale deposition from a subterranean formation of an oil or gas well which comprises introducing into the well a buffered acid solution containing an organic acid and void of hydrofluoric acid or a hydrofluoric acid precursor wherein the pH of the buffered acid solution is generally between from about 1.9 to about 4.8. With respect to depending claims 21-26, the reference teaches the limitations as claimed including a sandstone formation, a carbonate formation, the buffered solution contains HCL, buffered solution does not contain inorganic acids, the buffered solution comprises organic acid and salt, and the organic salt is an ammonium salt of acid.

Allowable Subject Matter

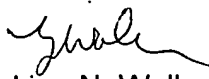
4. Claims 5, 9, 13-15, 18, 19, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Zakiya N. Walker
Primary Examiner
Art Unit 3676

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June 20, 2005